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(vii) Rules for entry to and exit from the Sector, including sanctions and procedures for removing members who do not comply with the operations plan;

(viii) Procedure for notifying NMFS if a member is no longer part of the Sector and the reason for leaving;

(ix) The process through which the operations plan can be amended by Sector members;

(x) If the Sector plans to authorize non-Sector vessels to harvest scallops allocated to the Sector, details of such arrangements must be described in the operations plan;

(xi) Any documents and analyses necessary to comply with the National Environmental Protection Act must be submitted to NMFS. The development of the analytical document is the responsibility of the applicants.

(xii) Any other information determined to be necessary and appropriate.

(d) *Sector review, approval, and revocation.* (1) A Sector shall submit its operations plan and any NEPA documents to the Regional Administrator and the Council no less than 1 year prior to the date that it wishes to begin operations under the Sector. The Council shall consider this plan in the course of the periodic framework adjustment or specification process and may, if approved, implement it through either of those processes. After Council approval of a Sector, the details of its operation shall be addressed between the Sector and NMFS, although the New England Fishery Management Council may review and provide comment on the proposed details.

(2) The Regional Administrator may withdraw approval of a Sector at any time if he/she, in consultation with the New England Fishery Management Council, determines that Sector participants are not complying with the requirements of an approved operations

plan or that the continuation of the operations plan will undermine achievement of fishing mortality objectives of the FMP. Withdrawal of approval of a Sector shall be completed after notice and comment rulemaking, pursuant to the Administrative Procedure Act.

(3) A Sector is required to resubmit its operations plan to the Regional Administrator no later than July 1 of each year, whether or not the plan has changed. Once the submission documents specified under paragraphs (a)(1) and (c)(2) of this section have been determined to comply with the requirements of this section, NMFS may consult with the Council and shall approve or disapprove Sector operations consistent with applicable law.

[73 FR 20131, Apr. 14, 2008, as amended at 77 FR 20741, Apr. 6, 2012]

§ 648.64 Yellowtail flounder sub-ACLs and AMs for the scallop fishery.

(a) As specified in § 648.55(d), and pursuant to the biennial framework adjustment process specified in § 648.90, the scallop fishery shall be allocated a sub-ACL for the Georges Bank and Southern New England/Mid-Atlantic stocks of yellowtail flounder. The sub-ACLs for the 2014 fishing year are specified in § 648.90(a)(4)(iii)(C) of the NE multispecies regulations.

(b) *Georges Bank accountability measure.* (1) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Georges Bank yellowtail flounder sub-ACL for the scallop fishery is exceeded, the area defined by the following coordinates, bounded in the order stated by straight lines except where noted, shall be closed to scallop fishing by vessels issued a limited access scallop permit for the period of time specified in paragraph (b)(2) of this section:

GEORGES BANK YELLOWTAIL ACCOUNTABILITY MEASURE CLOSURE

Point	Latitude	Longitude	Note
GBYT AM 1	41°50' N.	(1)	(2)
GBYT AM 2	40°30' N.	(3)	(2)
GBYT AM 3	40°30' N.	66°40' W.	
GBYT AM 4	40°40' N.	66°40' W.	
GBYT AM 5	40°40' N.	66°50' W.	
GBYT AM 6	40°50' N.	66°50' W.	
GBYT AM 7	40°50' N.	67°00' W.	
GBYT AM 8	41°00' N.	67°00' W.	

GEORGES BANK YELLOWTAIL ACCOUNTABILITY MEASURE CLOSURE—Continued

Point	Latitude	Longitude	Note
GBYT AM 9	41°00' N.	67°20' W.	
GBYT AM 10	41°10' N.	67°20' W.	
GBYT AM 11	41°10' N.	67°40' W.	
GBYT AM 12	41°50' N.	67°40' W.	
GBYT AM 1	41°50' N.	(¹)	

¹ The intersection of 41°50' N. lat. and the U.S.-Canada Maritime Boundary, approximately 41°50' N. lat., 66°51.94' W. long.

² From Point GBYT AM 1 connected to Point GBYT AM 2 along the U.S.-Canada Maritime Boundary.

³ The intersection of 40°30' N. lat. and the U.S.-Canada Maritime Boundary, approximately 40°30' N. lat. and 65°44.34' W. long.

(2) *Duration of closure.* The Georges Bank yellowtail flounder accountability measure closed area shall remain closed for the period of time, not to exceed 1 fishing year, as specified for the corresponding percent coverage of the Georges Bank yellowtail flounder sub-ACL, as follows:

(i) For years when the Closed Area II Sea Scallop Access Area is open, the closure duration shall be:

Percent coverage of YTF sub-ACL	Length of closure
3 or less	October through November.
3.1–14	September through November.
14.1–16	September through January.
16.1–39	August through January.
39.1–56	July through January.
Greater than 56	March through February.

(ii) For fishing years when the Closed Area II Sea Scallop Access Area is closed to scallop fishing, the closure duration shall be:

Percent coverage of YTF sub-ACL	Length of closure
1.9 or less	September through November.
2.0–2.9	August through January.

Percent coverage of YTF sub-ACL	Length of closure
3.0–3.9	March and August through February.
4.0–4.9	March and July through February.
5.0–5.9	March through May and July through February.
6.0 or greater	March through February.

(c) *Southern New England/Mid-Atlantic accountability measures*—(1) *Limited access scallop vessels.* (i) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL for the scallop fishery is exceeded, the following area shall be closed to scallop fishing by vessels issued a limited access scallop permit for the period of time specified in paragraph (c)(1)(ii) of this section. The Southern New England Yellowtail Accountability Measure Closure Area for Limited Access Scallop Vessels is comprised of Northeast Region Statistical Areas #537, #539 and #613, and is defined by the following coordinates, connected in the order listed by straight lines, unless otherwise noted:

Point	Latitude	Longitude	Note
LA SNEYT AM A	(¹)	73°00' W.	
LA SNEYT AM B	40°00' N.	73°00' W.	
LA SNEYT AM C	40°00' N.	71°40' W.	
LA SNEYT AM D	39°50' N.	71°40' W.	
LA SNEYT AM E	39°50' N.	70°00' W.	
LA SNEYT AM F	(²)	70°00' W.	(³)
LA SNEYT AM G	41°16.76' N.	70°13.47' W.	(³) (⁴)
LA SNEYT AM H	41°18.01' N.	70°15.47' W.	(⁵)
LA SNEYT AM I	41°20.26' N.	70°18.30' W.	(⁶)
LA SNEYT AM J	41°21.09' N.	70°27.03' W.	(⁷) (⁸)
LA SNEYT AM K	41°20' N.	(⁹)	(⁸)
LA SNEYT AM L	41°20' N.	71°10' W.	
LA SNEYT AM M	(¹⁰)	71°10' W.	(¹¹)
LA SNEYT AM N	(¹²)	71°40' W.	(¹¹)
LA SNEYT AM O	41°00' N.	71°40' W.	
LA SNEYT AM P	41°00' N.	(¹³)	(¹⁴)
LA SNEYT AM A	(¹)	73°00' W.	(¹⁴)

¹ The south facing mainland coastline of Long Island.

² The southern coastline of Nantucket.

³ From Point F to Point G along the southern coastline of Nantucket.

⁴ Point G represents Esther Island, Nantucket, Massachusetts.

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- ⁵Point H represents Tuckernuck Island, Nantucket, Massachusetts.
⁶Point I represents Muskeget Island, Nantucket, Massachusetts.
⁷Point J represents Wasque Point, Chappaquiddick Island, Massachusetts.
⁸From Point J to Point K along the southern coastline of Martha's Vineyard.
⁹The western coastline of Martha's Vineyard.
¹⁰The southern coastline of Rhode Island.
¹¹From Point M to Point N following the mainland coastline of Rhode Island.
¹²The southern coastline of Rhode Island.
¹³Southeast facing coastline of Long Island.
¹⁴From Point P back to Point A along the southern mainland coastline of Long Island.

(ii) *Duration of closure.* The Southern New England/Mid-Atlantic yellowtail flounder accountability measure closed area for limited access vessels shall remain closed for the period of time, not to exceed 1 fishing year, as specified for the corresponding percent coverage of the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL, as follows:

Percent coverage of YTF sub-ACL	Length of closure
2 or less	March through April.
2.1–3	March through April, and February.
3.1–7	March through May, and February.
7.1–9	March through May and January through February.
9.1–12	March through May and December through February.
12.1–15	March through June and December through February.
15.1–16	March through June and November through February.
16.1–18	March through July and November through February.
18.1–19	March through August and October through February.
19.1 or more	March through February.

(2) *Limited access general category IFQ scallop vessels using dredges*—(i) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL for the scallop fishery is exceeded, and the criteria in paragraph (c)(2)(iii) of this section are met, the Southern New England Yellowtail Accountability Measure Closure Areas described in paragraphs (c)(2)(ii) through (iv) of this sec-

tion shall be closed to scallop fishing by vessels issued an LAGC IFQ scallop permit and using dredges for the period of time specified in paragraph (c)(2)(v) of this section.

(ii) Closure Area 1 is comprised of Northeast Region Statistical Area #537, and is defined by the following coordinates, connected in the order listed by straight lines, unless otherwise noted:

Point	Latitude	Longitude	Note
LAGC Dredge SNEYT AM1 A	41°20' N.	(¹)	
LAGC Dredge SNEYT AM1 B	41°20' N.	71°10' W.	
LAGC Dredge SNEYT AM1 C	41°10' N.	71°10' W.	
LAGC Dredge SNEYT AM1 D	41°10' N.	71°20' W.	
LAGC Dredge SNEYT AM1 E	40°50' N.	71°20' W.	
LAGC Dredge SNEYT AM1 F	40°50' N.	71°40' W.	
LAGC Dredge SNEYT AM1 G	39°50' N.	71°40' W.	
LAGC Dredge SNEYT AM1 H	39°50' N.	70°00' W.	
LAGC Dredge SNEYT AM1 I	(²)	70°00' W.	(³)
LAGC Dredge SNEYT AM1 J	41°16.76' N.	70°13.47' W.	(³) (⁴)
LAGC Dredge SNEYT AM1 K	41°18.01' N.	70°15.47' W.	(⁵)
LAGC Dredge SNEYT AM1 L	41°20.26' N.	70°18.30' W.	(⁶)
LAGC Dredge SNEYT AM1 M	41°21.09' N. (⁶)	70°27.03' W.	(⁷) (⁸)
LAGC Dredge SNEYT AM1 A	41°20' N.	(¹)	(⁸)

- ¹The western coastline of Martha's Vineyard.
²The southern coastline of Nantucket.
³From Point I to Point J along the southern coastline of Nantucket.
⁴Point J represents Esther Island, Nantucket, Massachusetts.
⁵Point K represents Tuckernuck Island, Nantucket, Massachusetts.
⁶Point L represents Muskeget Island, Nantucket, Massachusetts.
⁷Point M represents Wasque Point, Chappaquiddick Island, Massachusetts.
⁸From Point M back to Point A along the southern coastline of Martha's Vineyard.

(iii) Closure Area 2 is comprised of Northeast Region Statistical Area #613, and is defined by the following coordinates, connected in the order listed by straight lines, unless otherwise noted:

Point	Latitude	Longitude	Note
LAGC Dredge SNEYT AM2 A	(¹)	73°00' W.	
LAGC Dredge SNEYT AM2 B	40°00' N.	73°00' W.	
LAGC Dredge SNEYT AM2 C	40°00' N.	71°40' W.	
LAGC Dredge SNEYT AM2 D	41°00' N.	71°40' W.	
LAGC Dredge SNEYT AM2 E	41°00' N.	(²)	(³)
LAGC Dredge SNEYT AM2 A	(¹)	73°00' W.	(³)

¹ The south facing mainland coastline of Long Island.

² Southeast facing coastline of Long Island.

³ From Point E back to Point A along the southern mainland coastline of Long Island.

(iv) Closure Area 3 is comprised of Northeast Region Statistical Area #539, and is defined by the following coordinates, connected in the order listed by straight lines, unless otherwise noted:

Point	Latitude	Longitude	Note
LAGC Dredge SNEYT AM3 A	(¹)	71°40' W.	
LAGC Dredge SNEYT AM3 B	40°50' N.	71°40' W.	
LAGC Dredge SNEYT AM3 C	40°50' N.	71°20' W.	
LAGC Dredge SNEYT AM3 D	41°10' N.	71°20' W.	
LAGC Dredge SNEYT AM3 E	41°10' N.	71°10' W.	
LAGC Dredge SNEYT AM3 F	(¹)	71°10' W.	(²)
LAGC Dredge SNEYT AM3 A	(¹)	71°40' W.	(²)

¹ The southern coastline of Rhode Island.

² From Point F back to Point A following the southern mainland coastline of Rhode Island.

(v) *Duration of closure.* The Southern New England/Mid-Atlantic yellowtail flounder accountability measure closure areas for LAGC IFQ vessels using dredge gear shall remain closed for the period of time, not to exceed 1 fishing year, as specified for the corresponding percent overage of the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL, as follows:

Percent overage of YTF sub-ACL	AM closure area and duration		
	AM Closure Area 1	AM Closure Area 2	AM Closure Area 3
2 or less	Mar–Apr	Mar–Apr	Mar–Apr.
2.1–7	Mar–May, Feb	Mar–May, Feb	Mar–May, Feb.
7.1–12	Mar–May, Dec–Feb	Mar–May, Feb	Mar–May, Dec–Feb.
12.1–16	Mar–Jun, Nov–Feb	Mar–May, Feb	Mar–Jun, Nov–Feb.
16.1 or greater	Mar–Jun, Nov–Feb	Mar–May, Feb	All year.

(vi) The Southern New England/Mid-Atlantic yellowtail flounder accountability measure for LAGC IFQ vessels using dredge gear shall only be triggered if the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL is exceeded, an accountability measure is triggered for the limited access scallop fishery, and the catch of yellowtail flounder by LAGC IFQ vessels using dredge gear was estimated to be more than 3 percent of the total catch of yellowtail flounder in the scallop fishery. For example, in a given fishing year, if the total sub-ACL for

the scallop fishery was 50 mt of yellowtail flounder and LAGC IFQ vessels using dredge gear caught an estimated 1 mt, accountability measures for IFQ vessels using dredges would not trigger because the fishery did not catch more than 3 percent of the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL (1.5 mt), even if the total sub-ACL was exceeded. If LAGC IFQ vessels using dredge gear caught more than 3 percent of the Southern New England/Mid-Atlantic yellowtail flounder, but the sub-ACL is

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not exceeded and the limited access accountability measure is not triggered, LAGC IFQ vessels using dredge gear would not trigger their own accountability measure.

(3) *Limited access general category IFQ scallop vessels using trawls*—(i) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL for the scallop fishery is exceeded, and the criteria in paragraph (c)(3)(iii) of this section are met, the area defined by the

following coordinates shall be closed to LAGC vessels fishing with trawl for the period of time specified in paragraph (c)(3)(ii) of this section. Southern New England Yellowtail Accountability Measure Closure Area for Limited Access General Category IFQ Scallop Vessels using Trawl Gear is comprised of Northeast Region Statistical Areas #612 and #613, and is defined by the following coordinates, connected in the order listed by straight lines, unless otherwise noted:

Point	N. lat.	W. long.
LAGC Trawl SNEYT AM A	40°00'	(1)
LAGC Trawl SNEYT AM B	40°00'	71°40'
LAGC Trawl SNEYT AM C	41°00'	71°40'
LAGC Trawl SNEYT AM D	41°00' (2)	(3)

¹ New Jersey mainland coastline.

² From Point D back to Point A along the southern mainland coastline of Long Island and New York, and the eastern coastline of New Jersey.

³ Southeast facing coastline of Long Island, NY.

(ii) *Duration of closure.* The Southern New England/Mid-Atlantic yellowtail flounder accountability measure closure area for LAGC IFQ vessels using trawl gear shall remain closed for the

period of time, not to exceed 1 fishing year, as specified for the corresponding percent overage of the Southern New England/Mid-Atlantic yellowtail flounder sub-ACL, as follows:

Percent overage of YTF sub-ACL	Length of closure
2 or less	March through April.
2.1–3	March through April, and February.
3.1–7	March through May, and February.
7.1–9	March through May and January through February.
9.1–12	March through May and December through February.
12.1–15	March through June and December through February.

(iii) The accountability measure for LAGC vessels using trawl gear shall be triggered under the following conditions:

(A) If the estimated catch of Southern New England/Mid-Atlantic yellowtail flounder by LAGC IFQ vessels using trawl gear is more than 10 percent of the total Southern New England/Mid-Atlantic yellowtail flounder sub-ACL, the accountability measure for LAGC IFQ vessels using trawl gear shall be triggered, regardless of whether or not the scallop fishery's Southern New England/Mid-Atlantic yellowtail flounder sub-ACL was exceeded in a given fishing year. In this case, the accountability measure closure season shall be from March–June and again from December–February (a total of 7

months). For example, if the scallop fishery's Southern New England/Mid-Atlantic yellowtail flounder sub-ACL for a given fishing year is 50 mt, LAGC IFQ vessels using trawl gear would trigger a 7-month closure, the most restrictive closure duration specified in paragraph (c)(3)(ii) of this section, if they caught 5 mt or more of yellowtail flounder.

(B) If the scallop fishery's Southern New England/Mid-Atlantic yellowtail flounder sub-ACL for a given fishing year is exceeded, resulting in an accountability measure for the limited access fleet as specified in paragraph (c)(1) of this section, LAGC IFQ vessels using trawl gear shall be subject to a seasonal closure accountability measure, as specified in paragraph (c)(3)(i)

of this section, based on the total scallop fishery's sub-ACL overage, as specified in paragraph (c)(3)(ii) of this section.

(C) If both of these conditions are triggered, (*i.e.*, LAGC IFQ vessels using trawl gear catch more than 10 percent of the total Southern New England/Mid-Atlantic yellowtail flounder sub-ACL and the overall Southern New England/Mid-Atlantic yellowtail flounder sub-ACL is exceeded, triggering limited access scallop fishery accountability measures), the most restrictive accountability measure shall apply to LAGC IFQ vessels using trawl gear (*i.e.*, the closure season would be from March–June and again from December–February).

(iv) If the LAGC accountability measure for vessels using trawl gear is triggered, a vessel can switch to dredge gear to continue fishing in the LAGC trawl closure areas, as specified in paragraph (c)(3)(i) of this section, during the time of year when trawl gear is prohibited, as specified in paragraph (c)(3)(ii) of this section. If such a vessel does switch to dredge gear, it is subject to any yellowtail flounder accountability measures that may be in place for that gear type, as specified in paragraph (c)(3) of this section.

(d) [Reserved]

(e) *Process for implementing the AM—*
(1) *If reliable information is available to make a mid-year determination:* On or about January 15 of each year, based upon catch and other information available to NMFS, the Regional Administrator shall determine whether a yellowtail flounder sub-ACL was exceeded, or is projected to be exceeded, by scallop vessels prior to the end of the scallop fishing year ending on February 28/29. The determination shall include the amount of the overage or projected amount of the overage, specified as a percentage of the overall sub-ACL for the applicable yellowtail flounder stock, in accordance with the values specified in paragraph (a) of this section. Based on this initial projection in mid-January, the Regional Administrator shall implement the AM in accordance with the APA and notify owners of limited access and LAGC scallop vessels by letter identifying the length of the closure and a summary of the

yellowtail flounder catch, overage, and projection that resulted in the closure.

(2) *If reliable information is not available to make a mid-year determination:* Once NMFS has compiled the necessary information (*e.g.*, when the previous fishing year's observer and catch data are fully available), the Regional Administrator shall determine whether a yellowtail flounder sub-ACL was exceeded by scallop vessels following the end of the scallop fishing year ending on February 28/29. The determination shall include the amount of the overage, specified as a percentage of the overall sub-ACL for the applicable yellowtail flounder stock, in accordance with the values specified in paragraph (a) of this section. Based on this information, the Regional Administrator shall implement the AM in accordance with the APA in Year 3 (*e.g.*, an accountability measure would be implemented in fishing year 2016 for an overage that occurred in fishing year 2014) and notify owners of limited access and LAGC scallop vessels by letter identifying the length of the closure and a summary of the yellowtail flounder catch and overage information.

(f) [Reserved]

[76 FR 43770, July 21, 2011, as amended at 77 FR 20742, Apr. 6, 2012; 77 FR 26122, May 2, 2012; 78 FR 27108, May 9, 2013; 79 FR 34266, June 16, 2014]

§ 648.65 Windowpane flounder sub-ACL and AM for the scallop fishery.

(a) As specified in § 648.55(d), and pursuant to the biennial framework adjustment process specified in § 648.90, the scallop fishery shall be allocated a sub-ACL for SNE/MA stock of windowpane flounder. The sub-ACLs for the 2014 fishing year are specified in § 648.90(a)(4)(iii)(E) of the NE multispecies regulations.

(b) *Accountability measure.* (1) Unless otherwise specified in § 648.90(a)(5)(iv) of the NE multispecies regulations, if the SNE/MA windowpane flounder sub-ACL for the scallop fishery is exceeded and an accountability measure is triggered as described in § 648.90(a)(5)(iv), the area west of 71° W. long., shall be considered the SNE/MA windowpane flounder gear restricted area. Scallop vessels participating in the DAS, or